

**RENNE PUBLIC LAW GROUP**

LOUISE RENNE (SBN 36508)  
lrenne@publiclawgroup.com  
RUTH M. BOND (SBN 214582)  
rbond@publiclawgroup.com  
ANASTASIA BONDARCHUK (SBN 309091)  
abondarchuk@publiclawgroup.com  
350 Sansome St., Suite 300  
San Francisco, CA 94104  
Telephone: (415) 848-7200  
Facsimile: (415) 848-7230

*Attorneys for Plaintiff*

**COHEN MILSTEIN SELLERS &  
TOLL PLLC**

JULIE GOLDSMITH REISER (*pro hac  
vice pending*)  
jreiser@cohenmilstein.com  
MOLLY BOWEN (*pro hac vice pending*)  
mbowen@cohenmilstein.com  
LYZETTE WALLACE (*pro hac vice  
pending*)  
lwallace@cohenmilstein.com  
1100 New York Ave. NW, 5th Floor  
Washington, DC 20005  
Telephone: (202) 408-4600  
Facsimile: (202) 408-4699

LAURA POSNER (*pro hac vice pending*)  
lposner@cohenmilstein.com  
88 Pine St., 14th Floor  
New York, NY 10005  
Telephone: (212) 220-2925  
Facsimile: (212) 838-7745

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

THE EMPLOYEES' RETIREMENT  
SYSTEM OF RHODE ISLAND derivatively  
on behalf of PINTEREST, INC.

Plaintiff,

vs.

BENJAMIN SILBERMANN, EVAN  
SHARP, JEFFREY JORDAN, JEREMY  
LEVINE, GOKUL RAJARAM, FREDRIC  
REYNOLDS, MICHELLE WILSON,  
LESLIE KILGORE, AND TODD  
MORGENFELD,

Defendants and

PINTEREST, INC., Nominal Defendant

Defendants.

Case No: 3:20-cv-08438

**PLAINTIFF EMPLOYEES' RETIREMENT  
SYSTEM OF RHODE ISLAND'S  
ADMINISTRATIVE MOTION TO CONSIDER  
WHETHER CASES SHOULD BE RELATED**

STEPHEN BUSHANSKY derivatively on  
behalf of PINTEREST, INC.

Plaintiff,

vs.

BENJAMIN SILBERMANN, JEFFREY  
JORDAN, LESLIE KILGORE, JEREMY S.  
LEVINE, GOKUL RAJARAM, FREDERIC  
G. REYNOLDS, EVAN SHARP, and  
MICHELLE WILSON, Defendants and

PINTEREST, INC., a Delaware Corporation

Nominal Defendant.

Pursuant to Civil Local Rule 3-12, Plaintiff Employees’ Retirement System of Rhode Island (“ERSRI”) in Case No. 3:20-cv-08438<sup>1</sup> files this administrative motion asking the Court to consider whether *Employees’ Retirement System of Rhode Island v. Pinterest, Inc.* (“ERSRI v. Pinterest”) should be related to the earlier-filed case *Bushansky v. Pinterest, et al.*, (“*Bushansky v. Pinterest*”), No. 20-cv-08331.

# **I. ARGUMENT**

Plaintiff, ERSRI, has filed a shareholder derivative action on behalf of Nominal Defendant Pinterest, Inc. (“Pinterest”) arising from top executives and/or members of Pinterest’s Board of Directors engaging in or countenancing systemic race and sex discrimination in violation of state and federal laws. Although the ERSRI complaint includes detailed allegations from a handful of confidential witnesses and names an additional defendant, its subject matter appears to be related to the *Bushanky* action.

First, the cases concern “substantially the same parties”. *See* Civil Local Rule 3-12(a)(1). Both plaintiffs are shareholders of Pinterest. Pinterest is the Nominal Defendant in both cases. The cases

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<sup>1</sup> A copy of the November 30, 2020 Verified Shareholder Derivative Complaint filed in *ERSRI v. Pinterest* (“ERSRI Complaint”) is attached hereto as Exhibit 1 to the Declaration of Louise Renne in Support of Plaintiff’s Administrative Motion to Consider Whether Cases Should Be Related.

1 have eight common Individual Defendants: Benjamin Silberman, Jeffrey Jordan, Leslie J. Kilgore,  
 2 Jeremy S. Levine, Gokul Rajaram, Fredric G. Reynolds, Evan Sharp, and Michelle Wilson.<sup>2</sup>

3 The cases also involve substantially the same “property, transaction or event.” See Civil Local  
 4 Rule 3-12(a)(1). Both allege the Individual Defendants breached their fiduciary duties, violated federal  
 5 securities laws, committed waste of corporate assets, and abused their control by participating in  
 6 and/or allowing a culture of systemic race and sex discrimination to fester at Pinterest. Both cases  
 7 include allegations of high-profile race and/or sex discrimination claims, as well as claims of  
 8 retaliation, lodged against Pinterest by its former Chief Operating Officer Francoise Brouher and by  
 9 Public Policy leaders Ifeoma Ozoma and Aerica Shimizu Banks.<sup>3</sup>

10 Second, “it appears likely that there will be an unduly burdensome duplication of labor and  
 11 expense . . . if the cases are conducted before different Judges.” See Civil Local Rule 3-12(a)(2). Both  
 12 cases require an understanding of similar subject matter, including the duties of Pinterest’s Board and  
 13 executives arising from a shareholder derivative action and similar instances of leveling and pay  
 14 discrimination and retaliation by Pinterest executives. Allowing such similar actions to proceed  
 15 separately in different courts wastes judicial resources by forcing duplication of labor, and would risk  
 16 inconsistent or conflicting rulings.

## 17 **II. CONCLUSION**

18 For the foregoing reasons, and pursuant to Civil Local Rule 3-12, ERSRI respectfully requests  
 19 that the Court treat *ERSRI v. Pinterest* as related to the previously filed *Bushansky v. Pinterest* action.

20 Dated: November 30, 2020

21  
 22 By: /s/ Louise H. Renne

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lrenne@publiclawgroup.com RUTH M.

BOND (SBN 214582)

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 26 <sup>2</sup> *ERSRI v. Pinterest* names an additional defendant, Pinterest’s Chief Financial Officer Todd Morgenfeld.

27 <sup>3</sup> In addition, the ERSRI Complaint contains robust allegations from confidential witnesses and  
 28 other public sources detailing additional instances of discrimination and retaliation by former employees.

1 rbond@publiclawgroup.com  
2 ANASTASIA BONDARCHUK (SBN 309091)  
3 abondarchuk@publiclawgroup.com  
4 350 Sansome St., Suite 300  
5 San Francisco, CA 94104  
6 Telephone: (415) 848-7200  
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